

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>8/17/07</u>
--

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
	:	
PROCAPS, L.P. (f/k/a Paintball	:	07 CV 6208 (LAP)
L.P.),	:	
	:	<u>ORDER</u>
Plaintiff,	:	
	:	
-against-	:	
	:	
PBS HOLDING GROUP, INC.,	:	
(f/k/a National Paintball Supply,	:	
Inc.),	:	
	:	
Defendant.	:	
-----X	:	

LORETTA A. PRESKA, United States District Judge:

Petitioner Procaps requests a premotion conference to discuss its request that documents filed in this proceeding to vacate an arbitration award be sealed. Procaps relies upon the protective order issued by the arbitration panel in the underlying arbitration. That arbitration arose out of a dispute concerning two commercially sensitive agreements between the parties. Respondent PBS Holding Group opposes sealing on the ground that Procaps cannot overcome the presumption that judicial documents are available to the public. See United States v. Amodeo, 71 F.3d 1044, 1048 (2d Cir. 1995).

Construing the parties' papers as petitioner's motion and respondent's opposition, the request to seal all

documents is denied; however, petitioner may seek redaction, partial sealing or other steps to shield commercially sensitive information or other protectable information from public view. Counsel shall confer on these issues and inform the Court of the result. In the meantime, pending further word from the parties, the Petition and the Arbitration Decision shall be kept under seal on a provisional basis.

SO ORDERED:

Dated: August 17, 2007


LORETTA A. PRESKA, U.S.D.J.

Procapsorder